

VOTER QUESTIONS AT THE POLLING PLACE

A question that frequently arises on election day and on the days leading up to an election is whether election inspectors may answer voter questions about candidates and referenda that are included on the ballot or answer voter questions about write-in candidates. This issue may implicate the provisions of s.12.03 of the Wisconsin Statutes, which reads as follows:

12.03 Election day campaigning restricted.

(1) No election official may engage in electioneering on election day.

(2) No person may engage in electioneering during polling hours on any public property on election day within 100 feet of an entrance to a building containing a polling place. This subsection does not apply to the placement of any material on the bumper of a motor vehicle that is located on such property on election day.

(3) A municipal clerk, election inspector or law enforcement officer may remove posters or other advertising which is placed in violation of this section.

(4) In this section, "electioneering" means any activity which is intended to influence voting at an election.

History: 1973 c. [334](#); 1977 c. [427](#); 1979 c. [89](#); 1983 a. [484](#); 1993 a. [173](#).

Violators may not be deprived of the right to vote, although penalties may follow. Constitutional issues are discussed. 61 Atty. Gen. 441.

Because the statute prohibits any and all “electioneering” by an election official on election day and because “electioneering” is broadly defined by the statute to include “any activity which is intended to influence voting at an election,” discussion of candidates or referenda, or, possibly, “political issues,” by an election inspector at the polling place could be interpreted as “electioneering.” The Board’s staff has applied a “rule of reason” in applying the statute to poll-worker conversation at the polling place: Election inspectors **should not offer** any information regarding candidates or referenda. **If asked**, (and only if asked), election officials may give the identity of candidates at the election, including write-in candidates, if the election official has that information. For information beyond the identity of ballot candidates, the voter should be referred to the facsimile ballot which is posted at the polling place or (for referendum information) to the Type C Notice which is posted at the polling place. For additional information, regarding candidates or referenda, the voter should be referred to off-site sources.

Discussions that do not relate to candidates or referenda, especially political issues, should not be initiated by inspectors and should be kept to a minimum and, if there are other voters waiting to vote, avoided as much as possible.

Any election inspector may politely decline to provide information, but, for candidate or referenda questions, the inspectors should refer the voter to the facsimile ballot or Type C Notice, posted at the polling place. To respond to voter questions with a courteous: “I do not know” is always acceptable.

No written information regarding candidates, (including write-in candidates), or referenda – other than the official notices required by statute – should be displayed or made available at a polling place. The voting booths and the rest of the polling place should be continuously cleared of any candidate or referendum written material, including write-in “stickers.”